

AW&-15a, 8/13, Prescribed by Secretary of State, Section 63.001(g)

NOTIFICACIÓN AL VOTANTE PROVISIONAL

La junta de votación temprana tomara una determinación, después de la elección, sobre si su boleta se contará o no. Dentro de 30 días después de la elección se le enviará una notificación a la dirección que usted proporcionó en su declaración jurada para votar en una boleta provisional. En dicha notificación se indicará si (1) su boleta se contó o (2) si no se contó la razón por la cual no se contó.

RECIBO DEL CENTRO ELECTORAL

PARA VOTANTES QUE NECESITAN UN PERIODO DE ESPERA

ELECTIONS ADMINISTRATOR: Attach map and/or directions to the county voter registrar's office to this Receipt and fill in deadline below.

AVISO AL VOTANTE

Hay que visitar la oficina de su registrador de votantes antes de:

For Office Use Only

Completed By Polling Place Official

Voter's Last Name: _____

Voter's First Name: _____

VUID #: _____

Precinct No.: _____

Para que se acepte su boleta provisional hay que visitar la oficina de su registrador de votantes local (*información sigue*) dentro de seis días de la fecha de la elección para presentar una de las formas de identificación con foto nombradas abajo **O** para firmar el juramento temporal nombrado abajo (o sea, por objeción religiosa o catástrofe natural sin identificación) ante la presencia del registrador de votantes. Se agiliza el proceso al llevarle este aviso al registrador de votantes del condado cuando vaya a presentar su identificación (o al firmar su juramento temporal); sin embargo, no se requiere presentar este aviso.

Cada votante deberá demostrar UNA de las siguientes formas de identificación en el centro electoral antes de ser aceptado para votar en las Elecciones de Texas:

- Licencia de Conducir de Texas expedida por el Departamento de Seguridad Pública (DPS, según sus siglas en inglés)
- Cédula de Identificación Electoral de Texas expedida por DPS
 - Si usted no tiene una forma válida de identificación con foto, usted puede solicitar una Cédula de Identificación Electoral gratuita en su local de oficina del Departamento de Seguridad Pública de Texas.
- Tarjeta de Identificación Personal de Texas expedida por DPS
- Licencia de Texas para Portar un Arma de Fuego Oculta expedida por DPS
- Cédula de Identidad Militar de los Estados Unidos con fotografía de la persona
- Certificado de Ciudadanía Estadounidense con fotografía de la persona
- Pasaporte de los Estados Unidos

Con la excepción del Certificado de ciudadanía estadounidense, la identificación deberá estar vigente o haberse vencido no más de 60 días antes de presentarla para calificar como votante en el centro electoral.

EXENCIÓN PERMANENTE

Durante el periodo de espera, votantes con una minusvalidez pueden solicitar una exención permanente del registrador de votantes de su condado. La solicitud deberá incluir documentación por escrito de la Administración de Seguro Social de los EE.UU. dando evidencia de la minusvalidez del solicitante o del Departamento de Asuntos Veteranos de EE.UU. dando evidencia de una valoración de discapacidad de al menos 50 por ciento. Además, el/la solicitante deberá declarar que no tiene forma válida de identificación con foto. Quienes obtengan una exención por minusvalidez podrán votar al presentar el certificado de votante que demuestre tal exención.

EXENCIÓN TEMPORAL

Durante el periodo de espera, votantes pueden solicitar una exención temporal del registrador de votantes de su condado para votantes con objeción religiosa constante hacia tomarse fotos **O** votantes sin ninguna identificación con foto por razón de cierto catástrofe natural tal cual lo declare el Presidente de los Estados Unidos o el Gobernador de Texas.

Por la presente declaro que he presentado una forma de identificación a (o he firmado un juramento para) la oficina del registrador de votantes del condado.

Firme Aquí

Firme aquí frente al Registrador de Votantes

Fecha

For Office Use Only Completed By Voter Registrar

ID Presented: _____ Yes _____

No Type of ID: _____

Exemption Requested: _____ Yes _____ No

Type of Exemption: _____

Voter Reg. Dept. Initials: _____

Date: _____

*VR will attach receipt to Provisional Ballot Affidavit

Required Identification for Voting in Person

Frequently Asked Questions

In 2011, the Texas Legislature passed Senate Bill 14 (SB 14) creating a new requirement for voters to show photo identification when voting in person. While pending review within the judicial system, the U.S. Supreme Court issued its opinion in Shelby County v. Holder, which effectively ended all pending litigation. As a result, voters are now required to present an approved form of photo identification in order to vote in all Texas Elections.

This requirement is effective immediately.

Here is a list of the acceptable forms of photo ID:

1. Texas driver license issued by the Texas Department of Public Safety (DPS)
2. Texas Election Identification Certificate issued by DPS
3. Texas personal identification card issued by DPS
4. Texas concealed handgun license issued by DPS
5. United States military identification card containing the person's photograph
6. United States citizenship certificate containing the person's photograph
7. United States passport

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 60 days before being presented for voter qualification at the polling place.

Procedures for Voting

When a voter arrives at a polling location, the voter will be asked to present one of the seven (7) acceptable forms of photo ID. Election officials will now be required by State law to determine whether the voter's name on the identification provided matches the name on the official list of registered voters ("OLRV"). After a voter presents their ID, the election worker will compare it to the OLRV. If the name on the ID matches the name on the list of registered voters, the voter will follow the regular procedures for voting.

If the name does not match exactly but is "substantially similar" to the name on the OLRV, the voter will be permitted to vote as long as the voter signs an affidavit stating that the voter is the same person on the list of registered voters.

If a voter does not have proper identification, the voter will still be permitted to vote provisionally. The voter will have (six) 6 days to present proper identification to the county voter registrar, or the voter's ballot will be rejected.

Exemption/Exceptions:

Voters with a disability may apply with the county voter registrar for a **permanent exemption**. The application must contain written documentation from either the U.S. Social Security Administration evidencing the applicant's disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification. Those who obtain a disability exemption will be allowed to vote by

presenting a voter registration certificate reflecting the exemption. Please contact your voter registrar for more details.

Voters who have a consistent **religious objection** to being photographed and voters who do not have any valid form of photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor, may vote a provisional ballot, appear at the voter registrar's office within six (6) calendar days after election day, and sign an affidavit swearing to the religious objection or natural disaster, in order for your ballot to be counted. Please contact your county voter registrar for more details.

Frequently Asked Questions

1. When does the new photo identification law go into effect?

The new photo identification requirement is effective immediately.

2. What kind of identification will be required to qualify to vote in person under the new program?

A voter will be required to show one of the following forms of photo identification at the polling location before the voter will be permitted to cast a vote.

1. Texas driver license issued by the Texas Department of Public Safety (DPS)
2. Texas Election Identification Certificate issued by DPS
3. Texas personal identification card issued by DPS
4. Texas concealed handgun license issued by DPS
5. United States military identification card containing the person's photograph
6. United States citizenship certificate containing the person's photograph
7. United States passport

3. My ID is expired. Will it still work?

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 60 days before being presented for voter qualification at the polling place.

4. But what if a voter does not have any of these forms of photo ID? Are there any exceptions?

If a voter does not have a permanent disability exemption (addressed below) indicated on his or her voter registration certificate AND the voter does not have any of the photo identifications indicated above at the time of voting, the voter may cast a provisional ballot at the polls. However, in order to have the provisional ballot counted, the voter will be required to visit the voter registrar's office within six calendar days of the date of the election to either present one of the above forms of photo ID OR submit one of the temporary affidavits addressed below (e.g., religious objection or natural disaster) in the presence of the county voter registrar while attesting to the fact that he or she does not have any of the required photo IDs.

A **permanent exemption** is available for voters with documented disabilities. Voters with a disability may apply with the county voter registrar for a permanent exemption. The application must contain written documentation from either the U.S. Social Security Administration evidencing the applicant's disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption.

Affidavits are available for voters who have a consistent religious objection to being photographed and for voters who do not have any photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor within 45 days of the day the ballot was cast.

5. If I have a government-issued ID that contains my photo and it is not on the list above, may I use it?

If you do not have one of the forms of photo IDs listed above and your voter registration certificate does not have a disability exemption noted, you will only be eligible to cast a provisional ballot.

6. My name on my approved photo ID does not exactly match my name on my voter registration card. Can I still vote?

Election officials will review the ID and if a name is "substantially similar" to the name on their list of registered voters, you will still be able to vote, but you will also have to submit an affidavit stating that you are the same person on the list of registered voters.

7. What does "substantially similar" mean?

A voter's name is considered substantially similar if one or more of the following circumstances applies:

1. The name on the ID is slightly different from one or more of the name fields on the official list of registered voters.
2. The name on the voter's ID or on list of registered voters is a customary variation of the voter's formal name. For example, Bill for William, or Beto for Alberto.
3. The voter's name contains an initial, middle name, or former name that is either not on the official list of registered voters or on the voter's ID.
4. A first name, middle name, former name or initial of the voter's name occupies a different field on the presented ID document than it does on the list of registered voters.

In considering whether a name is substantially similar, election officials will also look at whether information on the presented ID matches elements of the voter's information on the official list of registered voters such as the voter's residence address or date of birth.

8. Does the new photo ID requirement apply to voting by mail?

The new requirement does not change the process for voting by mail.

9. Does the address on my photo identification have to match my address on the official list of registered voters at the time of voting?

The new requirement makes no determination on voter address matching criteria; therefore, there is no address matching requirement.

10. When is the DPS Election Identification Certificate going to be available?

The Election Identification Certificate is now available. Information regarding how to obtain an election identification certificate can be found at www.dps.texas.gov. You may also contact DPS by telephone at (512) 424-2600 for more information.

11. What happens if I refuse to show proof of identity?

Voters who refuse to show proof of identity will be allowed to vote by provisional ballot. However, please be advised that a refusal to show ID is not a valid ground for casting a provisional ballot, and it is likely that the voter's ballot will be rejected by the ballot board.

We hope you have found this information helpful. Should you need additional information, please contact our office via telephone at 1-800-252-VOTE (8683) or via email at elections@sos.state.tx.us.

Public Records Request re: Provisional Ballots in Jefferson County

1. Ten provisional ballots were cast in our county for the March 4, 2014, Joint Primary Election.
2. Three of the provisional ballots were accepted under Texas Election Code 65.054.
3. Four provisional ballots were distributed to voters under Texas Election Code 63.001 (g) because they did not meet the photo identification requirements.
4. The four provisional ballots were rejected that were distributed under Texas Election Code 63.001 (g) because they did not meet the photo identification requirements.
5. The following voters voted provisionally because of lack of photo identification:
 - a. Wanda Joanne Petty (Former Name: Owens)
7390 Click Drive
Beaumont, TX 77708
 - b. Kimberly Michelle Deville (Former Name: Gibson)
1135 Brandywine
Beaumont, TX 77706
 - c. Eldrina Brandon (Former Name: Guillory)
3343 – 18th Street
Port Arthur, TX 77640
 - d. Sherman Wayne Jackson, Jr.
4276 Congress Street
Beaumont, TX 77705
6. Zero provisional ballots were cast because the election official determined that with one of the requisite forms of identification, the name on the identification was not “substantially similar” to the name on the voter rolls.
7. The rejected number of provisional ballots that was determined not to be “substantially similar” is non-applicable.
8. There were zero voters who cast a provisional ballot because their identification was not “substantially similar”.
9. The following excerpt from the **Qualifying Voters on Election Day Handbook for Election Judges and Clerks 2014, FOR USE IN GENERAL, PRIMARY, AND OTHER ELECTIONS BY ALL POLITICAL SUBDIVISIONS** issued by the Secretary of State’s Office were given to poll workers regarding the requirements of Texas Election Code 63.001 (b):

>>QUALIFYING THE VOTER PROCESSING THE VOTER

Open the doors to the polling place at 7:00 a.m. and direct voters to the voter acceptance table. [Sec. 41.031] Then follow these basic steps which apply for all voters. [Secs. 63.001, 63.0011]

1. Ask Voter to Provide Acceptable Form of Identification or Permanent Exemption: An election officer at the acceptance table should ask the voter to present an acceptable form of identification. [Sec. 63.001(b)]

The acceptable forms of identification are:

1) Texas Driver License issued by the Department of Public Safety ("DPS");

NOTE: This form of ID should not be used if "Limited Term" or "Temporary Visitor" appears on the face of the card as this indicates the person is not a U.S. Citizen.

2) Texas Election Identification Certificate issued by DPS;

3) Texas Personal Identification Card issued by DPS;

NOTE: This form of ID should not be used if "Limited Term" or "Temporary Visitor" appears on the face of the card as this indicates the person is not a U.S. Citizen.

4) Texas Concealed Handgun License issued by DPS;

5) United States Military Identification Card containing the person's photograph;

6) United States Citizenship Certificate/Certificate of Naturalization containing the person's photograph; or

7) United States Passport.

NOTE: A "passport card" which is also issued by the U.S. Department of State, is acceptable.

Permanent Disability Exemption: If the voter presents the voter's current voter registration certificate that has a notation of an "(E)" after the VUID number, it is not necessary for the voter to have one of seven forms of identification listed above. The notation means the voter is exempt from showing one of the seven forms of identification because the voter is disabled and has applied for and received a disability exemption from the voter registrar in accordance with the Texas Election Code.

NOTE: If the voter does not have an acceptable form of identification, or does not present the voter's current voter registration certificate with an "E" notation, then the voter may not vote a regular ballot, but must vote a provisional ballot. [Secs. 63.001(g) & (h), 63.0101, 63.011] However, no later than six calendar days after election day, the voter may present an acceptable form of identification to the voter registrar, which will "cure" the voter's failure to provide an acceptable form of identification at the polling place. You must notify the voter of his or her right to vote provisionally in accordance with the procedures prescribed in Situation 6.

NOTE: With the exception of the United States Citizenship Certificate, the acceptable form of identification must be current or have expired no more than 60 days before being presented for voter qualification at the polling place.

13

NOTE: If the presiding judge reasonably determines that the voter is not the person whose photo appears on the acceptable form of identification presented by the voter, the presiding judge will follow the procedure prescribed in Situation 6.

NOTE: The authority conducting the election may authorize an election officer to access

electronically readable information on a driver's license or personal identification card for proof of identification when determining whether a voter shall be accepted for voting. [Sec. 63.0102]>>

Additionally a slide presentation was presented during the in-person training which included the following excerpt:

>>QUALIFYING THE VOTER

IT IS THE LAW - SB14

A voter will be required to show one of the following forms of photo identification at the polling location before the voter will be permitted to cast a vote:

1. Texas driver license issued by the Texas Department of Public Safety (DPS)
2. Texas Election Identification Certificate issued by DPS
3. Texas personal identification card issued by DPS
4. Texas concealed handgun license issued by DPS
5. United States military identification card containing the person's photograph
6. United States citizenship certificate containing the person's photograph
7. United States passport

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 60 days before being presented at the polling place.>>

10. The following excerpt from the **Qualifying Voters on Election Day Handbook for Election Judges and Clerks 2014, FOR USE IN GENERAL, PRIMARY, AND OTHER ELECTIONS BY ALL POLITICAL SUBDIVISIONS** issued by the Secretary of State's Office were given to poll workers regarding the requirements of Texas Election Code 63.001 (g):

>>13. Either before the provisional voter votes or at the time the voter is depositing the Provisional Ballot Affidavit Envelope in the ballot box or other secure receptacle, the election judge shall inform the provisional voter that the voter will receive notice in the mail about whether the voter's provisional ballot was counted. The election judge shall also immediately provide to the provisional voter a written Notice to Provisional Voter form which will inform the voter of this fact in writing, along with information that explains the Provisional Ballot Affidavit Envelope will be used by the voter registrar to register the voter or update the voter's registration, as applicable.

14. In addition to the information stated in # 13 (above), The Notice to Provisional Voter form for voters that voted provisional due to a lack of acceptable photo identification described by Section 63.0101 must also contain the following information:

- 1) List of acceptable forms of identification, as well as the forms for available exemptions;
- 2) The procedure for presenting identification to the voter registrar, executing an affidavit for a temporary exemption in the presence of the voter registrar, and applying for a permanent disability exemption, not later than the sixth day after the election date;
- 3) A map showing the location of the voter registrar for purposes of presenting

acceptable forms of identification as well as seeking exemptions to the identification requirements; and

Early Voting Cancellation

4) A place for the election official to enter the voter's name, voter unique identifier (VUID) number (if available) and the precinct polling place at which the provisional ballot was voted.

15. Election judges may use two separate Notice to Provisional forms. There may be one form for provisional voters that did not have an acceptable ID as described by Section 63.0101 (requirements described in # 13 above) and one form for all other provisional voters (requirements described in # 13 and # 14 above). However, election judges may use a combined notice for all provisional voters. Please consult with the authority conducting the election (ex: County Clerk, Election Administrator, City Secretary, etc.) for instructions on whether to use a combined Notice to Provisional Voter form or a separate Notice to Provisional Voter form for each group.>>

11. The following excerpt from the **Qualifying Voters on Election Day Handbook for Election Judges and Clerks 2014, FOR USE IN GENERAL, PRIMARY, AND OTHER ELECTIONS BY ALL POLITICAL SUBDIVISIONS** issued by the Secretary of State's Office were given to poll workers regarding the requirements of Texas Election Code 63.001 (c):

>> SITUATION 2. Voter's Name on Acceptable Form of Identification Does Not Match Voter's Name on List of Registered Voters

The voter presents an acceptable form of identification listed on page 13 or has a notation of an "(E)" after the VUID number on their voter registration certificate). [Secs. 63.001, 63.0101]

If the voter's name on the precinct's list of registered voters is not identical to the voter's name as it appears on the voter's identification, the election officer will determine, under standards adopted by the Secretary of State, if the names are "substantially similar." If the names are substantially similar, the voter shall be accepted for voting. The voter must submit an affidavit, which is part of the combination form, stating that the voter is the person on the list of registered voters.

A voter's name on the presented identification form is considered substantially similar to the name on the official list of registered voters and a voter's name on the official list of registered voters is considered substantially similar to the name on the presented identification form if one or more of the circumstances in paragraphs (1) - (4) of this subsection are present. In determining whether one or more of those circumstances are present, election workers should consider whether information on the presented identification form matches elements of the voter's information on the official list of registered voters such as the voter's residence address or date of birth, which may be strong indicators that the name on the presented identification form is substantially similar to the name on the official list of registered voters and vice versa if:

1. Slightly Different: The name on the presented identification form is slightly different from one or more of the name fields on the official list of registered voters or one or more of the name fields on the official list of registered voters is slightly different from the name on the presented identification form;

2. Customary Variation: The name on the presented identification form or on the official

list of registered voters is a customary variation of the formal name such as, for illustrative purposes only, Bill for William, or Beto for Alberto, that is on the document or list that must match, as the case may be;

3. Initial, Middle Name or Former Name: The voter's name on the presented identification form contains an initial, a middle name, or a former name that is not on the official list of registered voters or the official list of registered voters contains an initial, a middle name, or a former name that is not on the presented identification form; or

4. Different Field: A first name, middle name, former name, or initial of the voter's name that occupies a different field on the presented identification form than a first name, middle name, former name, or initial of the voter's name on the official list of registered voters.

If the reviewing election worker makes a determination that the voter's name on the presented identification form and the official list of registered voters are substantially similar, the voter shall be accepted for voting if the voter submits the "Similar Name Affidavit," which he or she does by initialing the correct location on the combination form, prescribed by the Secretary of State stating that the voter offering the presented identification form is the same person on the official list of registered voters.

If the reviewing election worker makes a determination that the voter's names on the presented identification form and the official list of registered voters are not substantially similar, the voter shall be offered a provisional ballot. The voter shall be processed as a provisional voter in accordance with the provisional voter process established under Texas law (Situation 6), at the time of voting.

12. Notice to Provisional Voter attached as a PDF to email.

Carolyn Guidry

From: Theresa Goodness <thegood@co.jefferson.tx.us>
Sent: Wednesday, March 19, 2014 3:55 PM
To: 'Jones, Joanna'
Cc: Carolyn Guidry; Naomi Doyle
Subject: RE: Public Records Request re Provisional Ballots in Jefferson County for March 4, 2014 Primary Election
Attachments: Volunteer for Democracy Day poll worker training for March 4, 2014, Joint Primary.pdf; Dechert LLP_Photo Identification Lawsuit_March 2014 Primary.pdf; election_judges_handbook_2014.pdf; Public Records Request Responses_Dechert LLP_March 4, 2014, Joint Primary.pdf; Notice to Provisional Voter_English.pdf; Notice to Provisional Voter_Spanish.pdf

Lindsey Cohan:

Attached please find the following items in response to your Public Records Request dated 3/14/14 and received in our office on 3/14/14 concerning provisional ballots in Jefferson County with respect to the March 4, 2014, Joint Primary Election:

- Copy of your Public Records Request dated 3/14/14
- Poll worker training slide presentation used for training for March 4, 2014, Joint Primary election
- Election Judges Handbook 2014 placed in poll worker instruction manual binder.
- Public Records Request Responses from County Clerk's Office
- Notice to Provisional Voter- English version
- Notice to Provisional Voter – Spanish version

Please contact me or County Clerk, Carolyn Guidry, if you have any further questions.

Sincerely,

Theresa Goodness, CRM, CDIA+
Chief Deputy

Jefferson County Clerk's Office
P.O. Box 1151
Beaumont, TX 77704-1151
409.835.8480
<https://jeffersontxclerk.manatron.com>

From: Jones, Joanna [mailto:Joanna.Jones@dechert.com]
Sent: Friday, March 14, 2014 4:07 PM
To: thegood@co.jefferson.tx.us
Cc: Cohan, Lindsey
Subject: Public Records Request re Provisional Ballots in Jefferson County for March 4, 2014 Primary Election

Ms. Goodness - Please see the attached letter from Lindsey Cohan. Thank you.

Kind regards,

Joanna L. Jones
Assistant to Steven Weisburd, Amy Rudd and Lindsey Cohan

Dechert LLP
300 W. Sixth Street
Austin, TX 78701
+1 512 394 3006 Direct
+1 512 394 3972 Fax
joanna.jones@dechert.com
dechert.com

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